

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JAN 31 2003

OFFICE OF
MANAGING DIRECTOR

Mr. David Tillotson
4606 Charleston Terrace, NW
Washington, D.C. 20007-1911

Re: Radio Station WMAC
Fee Control No. 00000RROG-02-106
Bill No. 02-MMB0698

Dear Mr. Tillotson:

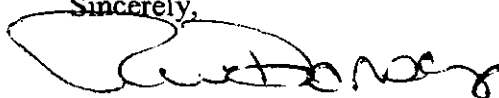
This is in response to your request for waiver of late fees or penalties associated with the fiscal year (FY) 2001 regulatory fee for U.S. Broadcasting LP's Radio Station WMAC-AM. Our records reflect that we have received U.S. Broadcasting's regulatory fees of \$12,840.00, but we have not received the late payment penalty of \$25.00 in connection with a \$100.00 underpayment. You assert in your request that you underpaid WMAC-AM's FY 2001 regulatory fee by \$100 due to a typographical error.

Our records indicate that the Commission received \$12,740.00 of the \$12,840.00 FY 2001 regulatory fee for U.S. Broadcasting's stations in August, 2001. On September 18, 2002, we received the remaining \$100.00 due.

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Thus, U.S. Broadcasting was responsible for payment of the full 2001 regulatory fee of \$12,840.00 on September 26, 2001, the final date of the regulatory fee filing window for FY 2001. We find that U.S. Broadcasting did not meet its obligation to file its full regulatory fee in a timely manner. We therefore deny your request for rescission of the late charge penalty for late payment of \$100.00 of WMAC's fiscal year 2001 regulatory fee.

Payment in the amount of \$25.00 for the late payment charge is now due. The late payment charge must be filed together with a copy of Bill No. 02-MMB0698 within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

Enclosure:
Copy of Bill No. 02-MMB0698

**Federal Communications Commission
Bill Collection**

FOR INQUIRIES CALL

Bill Number	Bill Date	Please write your bill number on your remittance.
02-MMB0698	8/6/2002	

U.S. BROADCASTING LIMITED PARTNERSHIP
P.O. BOX 900
MACON, GA 31202

Payable to:
Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
Revenue & Receivables Operations
P.O. BOX 358835

PITTSBURGH, PA 15251 - 5835

\$1,812.50	Total Amount Due Must Be Received By	9/5/2002
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BILL FOR UNPAID FY 2001 REGULATORY FEE OF \$1,450.00 AND 25% PENALTY OF \$362.50
CALL SIGN WMAC-AM

Please attach a copy of this bill to your payment to ensure proper credit.

Payment Type Code	Quantity	Fee Due	
0126		\$1,450.00	\$1,450.00
0199		\$362.50 25.00	\$362.50 25.00
Total Due			\$1,812.50

☐ MASTERCARD
☐ VISA

Account No.:

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Expiration:

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Month	Year				

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

00000RR06-92-289/06

DAVID TILLOTSON
Attorney at Law

4606 Charleston Terrace, N.W.
Washington, DC 20007-1911

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Fax: (202) 965-2018
Email dtlaw@starpower.net

August 16, 2002

Mr. Andrew Fischel
Managing Director
Federal Communications Commission
Washington, DC 20054

Re: Request for Waiver of Late Payment Penalty

Dear Mr. Fischel:


Last year, due solely to a typographical error in completing the Form 159 for my client U.S. Broadcasting, LP, the FY 2001 regulatory fee for Station WMAC, Facility ID 46998 was underpaid by \$100.00. A Form 159 making up this underpayment is submitted herewith. This letter is to request waiver of the late payment penalty with respect to this underpayment for the following reasons:

1. The \$100.00 underpayment represented less than eight tenths of one percent of the \$12,840 in regulatory fees that U.S. Broadcasting LP was obligated to pay in FY 2001.
2. The underpayment was discovered by me, not the FCC, when the FCC incorrectly sent U.S. Broadcasting, LP a bill for FY 2001 regulatory fees and penalties with respect to three of eight stations for which it had timely paid regulatory fees in FY 2001, including WMAC. The time that I spent locating the proof of payment and submitting it to the FCC with a cover memo cost my client substantially more than the \$25 penalty it is requested be waived. Thus, waiver would constitute only partial compensation to U.S. Broadcasting, LP for the costs that it incurred due to the FCC's error. It is reasonable to assume that if I had not called the underpayment to the FCC's attention, it would likely have gone undetected.
3. The FCC's fee collection process is itself not error free. In fact, the same day that I received the bills that had been sent to U.S. Broadcasting, LP for regulatory fees that it had paid, I received that the FCC had sent to two other clients of mine for FY 2001 regulatory fees that they had paid. Additionally, on that same day I discovered that the FCC had

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improperly reclassified one of my client's **AM** stations from Class D to Class B for FY 2002 regulatory fees. As a consequence of my having called this classification error to the FCC's attention, it was discovered that approximately 340 **AM** stations had been improperly reclassified. As I am the person who would be responsible for paying any penalty, since I was responsible for the typographical error, waiver of the penalty would be a minor reward for my having brought the AM misclassification error to the FCC's attention.

Sincerely,



David Tillotson